

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #5	CCRB Case #: 201508718	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/30/2015 5:00 PM	Location of Incident: 101 Dyckman Street, the 34th Precinct stationhouse, and Manhattan Central Booking	Precinct: 34	18 Mo. SOL 2/28/2017	EO SOL 2/28/2017	
Date/Time CV Reported Wed, 10/14/2015 1:08 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 10/14/2015 1:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Sherif Baksh	00449	933629	034 PCT
2. POF Angela Polancobrito	04956	939240	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Sherif Baksh	Abuse: At 101 Dyckman Street in Manhattan, the 34th Precinct stationhouse, and Manhattan Central Booking, PO Sherif Baksh did not obtain medical treatment for § 87(2)(b)	
B.POF Angela Polancobrito	Abuse: At 101 Dyckman Street in Manhattan, PO Angela Polancobrito did not obtain medical treatment for § 87(2)(b)	

Case Summary

§ 87(2)(b) filed this complaint with the CCRB via phone on October 14, 2015.

On August 30, 2015, at approximately 5:00 p.m., § 87(2)(b) was involved in a physical altercation with a patron of the Dyckman Express Restaurant at 100 Dyckman Street in Manhattan. As a result of this altercation, § 87(2)(b) sustained pain to the right side of her head, pain and swelling to her right hand, small lacerations to the inside of her elbow and the back of her left triceps, and a bruise to her left forearm. PO Sherif Baksh and PO Angela Polancobrito of the 34th Precinct arrived on the scene and arrested § 87(2)(b) for assault. An ambulance also arrived on the scene, and § 87(2)(b) allegedly asked the officers why she was not being treated for her injuries. The officers told § 87(2)(b) that they would discuss her injuries at the stationhouse (**Allegations A and B**). The officers transported § 87(2)(b) to the 34th Precinct stationhouse and placed her inside a holding cell. While at the stationhouse, § 87(2)(b) allegedly requested medical treatment from PO Baksh for her injured right hand, but PO Baksh told her that her injuries would be discussed at a later time (**Subsumed within Allegation A**). PO Polancobrito and PO Baksh transported § 87(2)(b) to Manhattan Central Booking, PO Baksh allegedly advised § 87(2)(b) not to report her injuries at Central Booking in order to speed up the process of her arrest (**Subsumed within Allegation A**). The officers departed after § 87(2)(b) was processed at Central Booking, and they never obtained medical treatment for her (Board Review 01).

There is no video footage or audio recording of this incident.

This case was originally assigned to Inv. Veronica Perez on October 14, 2015, and it was reassigned to Inv. John Butler on November 2, 2015, upon Inv. Perez's transfer within the agency.

Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation § 87(2)(g). On November 4, 2015, a notice of claim request was submitted, and it will be added to the case file upon its receipt at the agency. § 87(2)(b) has no prior criminal convictions (Board Review 02).

Civilian and Officer CCRB Histories

This is § 87(2)(b)'s first CCRB complaint (Board Review 03).

PO Baksh has been a member of the NYPD for 11 years and has been the subject of nine prior CCRB complaints involving 19 allegations, none of which were substantiated. § 87(2)(g)

PO Polancobrito has been a member of the NYPD for 10 years and has been the subject of 11 prior complaints involving 41 allegations, four of which were substantiated. PO Polancobrito pled guilty to charges for baton strike and retaliatory summons allegations for which she received a 32 day suspension and the loss of 20 vacation days. She received command discipline for a substantiated pepper spray allegation, and she also received command discipline for a substantiated discourtesy allegation. § 87(2)(g)

Findings and Recommendations

Allegation A – Abuse of Authority: At 101 Dyckman Street in Manhattan, the 34th Precinct stationhouse, and Manhattan Central Booking, PO Sherif Baksh refused to obtain medical treatment for § 87(2)(b)

Allegation B – Abuse of Authority: At 101 Dyckman Street in Manhattan, PO Angela Polancobrito refused to obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that she was involved in a physical altercation with a female, identified through police documentation as § 87(2)(b), in the bathroom of the Dyckman Express Restaurant in Manhattan (Board Review 01). During this fight, § 87(2)(b) sustained pain to the right side of her head, pain and swelling to her right hand, small lacerations to the inside of her elbow and the back of her left triceps, and a bruise to her left forearm. § 87(2)(b) provided a photo of her swollen right hand (Board Review 06). § 87(2)(b)'s arrest photo did not show any visible injuries (Board Review 07).

§ 87(2)(b)' family members were inside the restaurant, and they called 911 to report the altercation. Four marked police vehicles arrived on the scene, including a vehicle driven by PO Baksh and PO Polancobrito, but § 87(2)(b) could not estimate how many officers arrived. An ambulance also arrived on the scene, and § 87(2)(b) saw EMT workers treat § 87(2)(b) for injuries she sustained during the fight. PO Baksh and PO Polancobrito arrested § 87(2)(b) upon their arrival and led her to their police vehicle in handcuffs. § 87(2)(b) told PO Baksh that § 87(2)(b) punched her in the head during the fight. § 87(2)(b) also allegedly asked why she was not being treated by the EMTs while § 87(2)(b) was being treated. In response, PO Baksh and PO Polancobrito allegedly told her that they would discuss her injuries at the stationhouse. The officers escorted § 87(2)(b) to the 34th Precinct stationhouse and placed her in a holding cell. PO Polancobrito left the cell area while PO Baksh remained with § 87(2)(b). § 87(2)(b) asked to use the restroom, and PO Baksh escorted § 87(2)(b) out of the cell to the bathroom. While inside the bathroom, § 87(2)(b) noticed that her right hand was swollen and bruised. When § 87(2)(b) exited the bathroom, she allegedly showed her injured right hand to PO Baksh and told him that she needed to see a doctor or go to the hospital to treat the injury. PO Baksh again allegedly responded that he would discuss the injury later, and he placed § 87(2)(b) back inside her cell. § 87(2)(b) was held at the stationhouse for several hours after which PO Polancobrito and PO Baksh drove § 87(2)(b) to Manhattan Central Booking. At Manhattan Central Booking, PO Baksh again allegedly advised § 87(2)(b) not to report her injuries to speed up the process of her arrest. The officers never obtained medical treatment for § 87(2)(b) during the incident.

The officers were generally consistent with § 87(2)(b)'s testimony in describing their interactions with her except that they denied § 87(2)(b)'s allegations (Board Review 04-05). According to the officers, § 87(2)(b) did not complain that the EMTs at the Dyckman Express Restaurant did not treat her injuries, and the officers denied telling § 87(2)(b) that they would discuss her injuries at a later date. PO Baksh did not recall whether § 87(2)(b) exited her holding cell to use the restroom while at the 34th Precinct stationhouse, but he stated that § 87(2)(b) never showed her injured hand to him and never requested medical treatment from him for this alleged injury. PO Polancobrito denied witnessing any such incident. PO Baksh denied advising § 87(2)(b) to refrain from reporting her injuries at Central Booking, and PO Polancobrito did not witness any such interaction. The officers did not observe any injuries on

§ 87(2)(b) during the incident, and they did not hear § 87(2)(b) complain of any such injuries. The officers stated that § 87(2)(b) never requested medical treatment from them, and they never refused to provide medical treatment to her upon request.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Squad:

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date